

111TH CONGRESS  
1ST SESSION

# H. R. 2873

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IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2009

Received; read twice and referred to the Committee on Banking, Housing, and  
Urban Affairs

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## AN ACT

To provide enhanced enforcement authority to the Securities  
and Exchange Commission.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Enhanced S.E.C. En-  
3       forcement Authority Act”.

4 **SEC. 2. NATIONWIDE SERVICE OF PROCESS.**

5       (a) SECURITIES ACT OF 1933.—Section 22(a) of the  
6       Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by  
7       inserting after the second sentence the following: “In any  
8       civil action instituted by the Commission under this title  
9       in a United States district court for any judicial district,  
10      subpoenas issued to compel the attendance of witnesses  
11      or the production of documents or tangible things (or  
12      both) at any hearing or trial may be served at any place  
13      within the United States. Rule 45(c)(3)(A)(ii) of the Fed-  
14      eral Rules of Civil Procedure does not apply to a subpoena  
15      so issued.”.

16      (b) SECURITIES EXCHANGE ACT OF 1934.—Section  
17      27 of the Securities Exchange Act of 1934 (15 U.S.C.  
18      78aa) is amended by inserting after the third sentence the  
19      following: “In any civil action instituted by the Commis-  
20      sion under this title in a United States district court for  
21      any judicial district, subpoenas issued to compel the at-  
22      tendance of witnesses or the production of documents or  
23      tangible things (or both) at any hearing or trial may be  
24      served at any place within the United States. Rule  
25      45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure  
26      does not apply to a subpoena so issued.”.

1       (c) INVESTMENT COMPANY ACT OF 1940.—Section  
2 44 of the Investment Company Act of 1940 (15 U.S.C.  
3 80a–43) is amended by inserting after the fourth sentence  
4 the following: “In any civil action instituted by the Com-  
5 mission under this title in a United States district court  
6 for any judicial district, subpoenas issued to compel the  
7 attendance of witnesses or the production of documents  
8 or tangible things (or both) at any hearing or trial may  
9 be served at any place within the United States. Rule  
10 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure  
11 does not apply to a subpoena so issued.”.

12       (d) INVESTMENT ADVISERS ACT OF 1940.—Section  
13 214 of the Investment Advisers Act of 1940 (15 U.S.C.  
14 80b–14) is amended by inserting after the third sentence  
15 the following: “In any civil action instituted by the Com-  
16 mission under this title in a United States district court  
17 for any judicial district, subpoenas issued to compel the  
18 attendance of witnesses or the production of documents  
19 or tangible things (or both) at any hearing or trial may  
20 be served at any place within the United States. Rule

1 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure  
2 does not apply to a subpoena so issued.”.

Passed the House of Representatives December 2,  
2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*